--- EXECUTIVE SUMMARY ---

"How to use EU Battlegroups - suggesting solutions within the existing legal framework"

By: the Dutch delegation to the CFSP/CSDP Conference

Background

The EU lacks a number of key enablers when it comes to translating European security needs into a credible set of effective European capabilities. So far, we have not even been able to meet the rather modest Headline Goal of creating the capacity for Europe to deploy 60.000 troops. Even the less ambitious goal to create a number of EU Battlegroups (BG's) has so far not been very successful.

Problem

In spite of their readiness, no EU Battlegroup has ever been deployed, due to varying security and defence strategies, a lack of political will on a European level, shrinking defence budgets, divergent national decision making procedures and the financial burden. The following paragraph suggests possible solutions for this problem.

Possible solutions

1. *Involvement of national parliaments in decision making*

What might help to achieve more coherence is to create a **common assessment framework.** This framework should include a set of scenarios, conditions, requirements and caveats for clearance, or even pre-clearance of troop-contributions to a BG.
In addition, countries working together in an EU-BG should consider matching their preparations on the military side by comparable ones on the political side. The introduction of a **political preparatory phase**, including interparliamentary engagement, could help to achieve this and also builds trust amongst parliaments and trust is crucial. The common assessment framework could be useful during this political preparatory phase.

2. *Modularity, certification and training*

A solution could be to move to a **more flexible modular concept**. This implies that we leave the current concept of BG's with a fixed structure and aim to establish a more flexible **European Rapid Response Capability (EU-RRC)**. This modular concept could be developed based on a system of standby force packages grouped in clusters of maritime, air and land forces. Each cluster should consist of several equivalent force packages provided by different nations. This would make it possible to replace a force package from a nation deciding against deployment, with a similar force package provided by a nation that is willing to participate in the operation. This system provides political as well as military flexibility.

3. *Funding of BG or EU-RRC operations*

Although the Athena mechanism helps to reduce the costs for the deployment of troops, contributing nations have to bear a considerable amount of the costs. During our previous session in Rome in November 2014 we already concluded we should have a serious look at widening the catalogue of shared costs. We should urge the HR and our respective governments to start this review soonest. In this review we should also look at the possibility of creating a **Start-up Fund**. Until now, this has been an unused article in the Lisbon Treaty.

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"How to use EU Battlegroups -
suggesting solutions within the existing legal framework"

By Major-General of Royal Netherlands Marine Corps (rtd.)
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Introduction

Dear colleagues,

I will not waste the little time I have with an extensive review of how we got where we are today. Suffice to say that few of us would have predicted the shattering geopolitical shocks and upheavals, which have so radically altered the defence and security landscape in Europe over the last few years. The most authoritative foresight studies forecast more shocks and even greater unpredictability. The arc of instability surrounding Europe is not a temporary phenomenon; it is there for the longer term.

At the same time the United States has pivoted, or if you prefer, "rebalanced" towards Asia. This is again not a temporary phenomenon. For the US Russia is not a global competitor; China is. Washington will therefore continue to look towards Europe for dealing with security matters in its own neighbourhood. Although most Europeans agree that we want and need to do more, the uncomfortable truth is that we are capable of less.

Due to decades of defence cuts, Europe lacks a number of key enablers. In the case of the intervention in Libya, we had to rely on American support, but this will not always be possible. So far, we have not even been able to meet the rather modest Headline Goal of creating the capacity for Europe to deploy 60.000 troops. Even the less ambitious goal to create a number of European Battlegroups (BG's), has so far not been very successful.

The bottom line is: our capabilities do not meet our ambitions. It is time for us to translate European needs into a *credible* set off *effective* European capabilities to meet our needs, including a European Rapid Response Capability (EU-RRC).

The need for a wider European defence cooperation

More than ever, our collective defence-effort matters. It matters for our collective sovereignty; it matters for our collective economic security; it matters for the social and political stability of our continent.

However we have to be realistic. Ideas about a fully integrated European army are just dreams and NATO will remain the cornerstone for the defence of the European continent for the foreseeable future. There is however a large space between everything and nothing; there is a whole spectrum of options for effective European defence cooperation in between these two extremes.

When European interests are at stake, it is more appropriate and sometimes even more effective, not to call on our North American allies, and to deploy our forces under the flag of the EU, instead of NATO. This by no means is to the detriment of NATO. Let's not forget, a stronger Europe also means a stronger NATO.

I will not elaborate any further on the need for a wider European defence cooperation, because our purpose here today is to come up with proposals to improve the effectiveness of the EU-BG concept *within the existing legal framework*. I admit, it is only a limited and modest objective, but we have to start somewhere, while keeping the wider issue of EU defence cooperation in mind.

Where do we stand now and what is the existing legal framework exactly?

So, let's have a closer look where we stand with the BG's and the existing framework. Fortunately, we don't have to start from scratch. Just to refresh your memory (see PowerPoint (PPT)):

- A BG can be defined as the minimal effective, credible, rapidly deployable, coherent military force package, capable of stand-alone operations, or for the initial entry phase of larger operations. The BG's are equipped to operate for 30 days or, after resupply, to a maximum of 120 days. Depending on the mission, a BG consists of about 1500 personnel, a force headquarter and enablers for strategic lift and logistics. The BG's are on standby for a period of 6 months. The response time is 5 – 15 days;

- The BG’s can be deployed for all those tasks mentioned in article 43 of the Treaty on European Union and the tasks mentioned in the European Security Strategy (ESS);
- A BG can be formed by one nation, the so-called 'framework nation', or by military contributions from several nations;
- Participation of a member state in a BG, is established in the so-called BG Coordination Conference, held twice a year;
- The operations of the BG’s are executed under auspices of the UN-Security Council, although certain missions, such as the evacuation of civilians, can also be executed outside of the UN-structure.

As you can see, the basic structure to deploy and command forces is already there (see PPT):

- There is a Military Committee to interact and advise the Council through the High Representative (HR) who is now directly accountable to the European Council;
- There is a modest European Union Military Staff to cover the strategic level of operations;
- The *Berlin Plus Agreement* allows us, under certain conditions, to augment the European Military Staff with staff officers from Supreme Headquarters Allied Powers Europe (SHAPE);
- There is a liaison cell with SHAPE and the UN Headquarters (HQ) in New York;
- The operational HQ is provided, on a rotational basis, using existing national HQ’s, provided by France, Greece, Germany, Italy and the UK. The tactical HQ is provided by the nation(s) that provide(s) the forces.

So far, the EU-BG’s have been a catalyst for multidimensional and multilateral cooperation and coordination, experimentation and transformation. Although there have been many situations in which they could have been deployed, they have never been deployed

The main obstacles and deficiencies

The main reasons why, have been identified in our earlier meetings in Athens and Rome. You have all received the earlier papers on this subject, including the excellent paper from our Italian colleagues and the paper of Mr Brok.
<u>The Risk Spectrum</u>

A fact of life is that multinational cooperation goes well until the risks increase. So far, there is no strategic reserve or follow-on force to ensure escalation dominance when the situation deteriorates beyond the level the BG can handle. We therefore have to accept the fact that a BG cannot operate in a high-risk environment and therefore can only be tasked for the Petersberg- or ESS-tasks in the low to medium end of the Intensity Spectrum. Close coordination and synchronisation with NATO in this respect is therefore necessary. The more, because we have only one set of forces available and an EU Rapid Response Capability could function as a bridging tool for UN- or NATO-operations in the high-risk end of the Intensity Spectrum.

Involvement of national parliaments in decision making

Even when the governments of participating nations in a BG take a positive decision on deployment, one of the main obstacles to meet the required response time is the prerogative of parliaments to decide or co-decide on the deployment of troops to conflicts abroad. As you can see on this PPT-sheet, the participation rights of national parliaments across the EU vary widely; from strong to weak. In practice, the BG's consist of a mix of nations with strong co-decision rights and nations with weak co-decision rights. When push comes to shove, there is a serious risk the participation of troops could not be relied upon.

We could offcourse explore the possibilities to compose the BG's solely with troops provided by only one nation, or a set of nations with weak or limited parliamentary participation rights. This would make the decission to deploy less complex and less timeconsuming. The disadvantage of this option is that the political, military, financial and moral burden is not equaly shared between the European nations.

Another avenue to explore is to reassess the prerogative of parliaments to decide or co-decide on the deployments of troops abroad. I realize this is a sensitive issue, because when countries integrate capabilities and become dependent on each other for their deployment, the sovereignty issue is on the table. The pragmatic view is that this reassessment is and will remain a responsibility of national parliaments. Some parliaments, for example Germany and the Netherlands, have already started this process. I urge other nations to do the same. The risk is that the results of these national reassessments again vary widely. What might help to achieve more coherence is to create a **common assessment framework.** This

framework should include a set of scenarios, conditions, requirements and caveats for clearance, or even pre-clearance of troop-contributions to a BG.

Whatever the outcome of this reassessment might be, a national parliament is only able to exercise its right of co-decision if it is informed on a planned operation at an early stage and is subsequently updated during the planning phase. In addition, countries working together in an EU-BG should consider matching their preparations on the military side by comparable ones on the political side. The introduction of a **political preparatory phase,** including interparliamentary engagement, could help to achieve this and also builds trust amongst parliaments and *trust is crucial.* The common assessment framework I mentioned earlier could be useful during this political preparatory phase. The purpose is not only to speed up decision-making, but even more, to muster the political will needed to actually deploy the force. A formula should be found to make this possible.

<u>Modularity, certification and training</u>

Despite all this, the uncomfortable fact remains that there is no guarantee all troop contributors will always agree to participate in an operation. A solution could be to move to a more flexible **modular concept**. This implies that we leave the current concept of BG's with a fixed structure and aim to establish a more flexible European Rapid Response Capability (EU-RRC).

This modular concept could be developed based on a system of standby force packages grouped in clusters of maritime, air and land forces. Each cluster should consist of several equivalent force packages provided by different nations. This would make it possible to replace a force package from a nation deciding against deployment, with a similar force package provided by a nation that is willing to participate in the operation.

This system provides political as well as military flexibility. It is for example easier to create force packages tailored for specific situations. It is in fact a variation of the concept of the "coalition of the willing and able" that is now often used in a haphazard way to circumvent the problems with the BG's. An example of this practice is the EU-force in the Central African Republic. The difference is that this modular system ensures the availability of trained, certified and readily available force packages for EU rapid response operations in a more structured, effective and reliable manner.
This concept also requires a different approach in standards for training and certification. At the moment there is too much variation in these

standards. The *Exercises, Training & Analysis Unit* of the EU Military Staff could be tasked to develop these standards and the training schedules. We should also make arrangements to allow our national armed forces to start preparations *before* the formal parliamentary procedures have been finalised. In some of our nations this is not yet the case and the military can only start preparations *after* the parliamentary procedures are finalized.

<u>Funding of BG or EU-RRC operations</u>

Last but not least, I would like to turn to the funding of rapid response operations.

According to article 41, paragraph 3, of the Treaty on European Union the financing mechanism of Common Security and Defence Policy (CSDP) military operations, known as Athena, is mainly intended to provide funds for rapid response operations. Athena makes a distinction between common costs, including those incurred in preparation for, or following operations and operational costs which are directly related to operations. The Athena mechanism includes a complete catalogue of shared costs. All costs not explicitly covered in the catalogue remain the responsibility of the participating member states and are financed on a "costs lie where they fall" basis.

The bottom line is that, although Athena helps to reduce the costs for the deployment of troops, contributing nations have to bear a considerable amount of the costs.

During our previous session in Rome we already concluded we should have a serious look at widening the catalogue of shared costs. We should urge the HR and our respective governments to start this review soonest. In this review we should also look at the possibility of creating a ***Start-up Fund*.** Until now, this has been an unused article in the Lisbon Treaty.

In Conclusion

In conclusion: it is a strategic necessity to empower Europe as a credible security actor in this turbulent and unpredictable world. What else has to happen to make us see this necessity? At the moment, our capabilities do not match our ambitions. We need to correct this. The basic structures to make this happen are already there; we don't have to start from scratch. If we can muster the collective political will, we can make this happen.

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